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Court rulings don't end Bull Lake controversy

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Special to the Inter Lake

LIBBY — Nine years, three county commissioners and two court cases after it was first proposed, the Bull Lake Estates subdivision remains an unresolved issue for Lincoln County officials.

Developer Jim Beasley and opponent Mark Agather — whose Friends of Bull Lake won court decisions involving the subdivision in 1996 and again last month — met with the county officials Wednesday in an effort to come to terms on issues dating back to the 1996 court decision.

The preliminary plat approved in the wake of the district court's rul-

ing reflected the judge's order requiring an area on the north shore of the 47-lot subdivision to be labeled "not suitable for development," that wetlands be delineated, that no boat ramp be built, and that any development in the "common area" on the lakeshore require a public review process and county approval.

The final plat approved in 2001 omits those points, Agather said. The areas are not labeled correctly, the ban on boat ramps is left out, the covenants for property owners do not include the stipulation about development of the common area, and wetlands are not accurately mapped, he said.

Friends of Bull Lake is not a preservationist group opposed to all

development, Agather said.

"We have no problems with development in areas that are suited for development," he said. "We have problems with development in areas not suited for development. We have problems with things not being done that should be done."

In September, a federal judge in Missoula ruled in favor of Friends of Bull Lake and found Beasley in violation of the Clean Water Act. Beasley was fined \$100,000.

Agather said his group does not want to file another lawsuit, but wants Beasley and the county to adhere to the 1996 court ruling and other government regulations.

"We have no desire to pursue any action unless there is no other alternative," he said.

Agather's group is seeking the removal of drain pipes on the north shore that it believes are intended to drain wetlands.

Beasley said the drainage pipes are part of the road system and are designed to ensure a stable road bed.

The group is also asking that Beasley be required to obliterate a new channel he constructed for Weasel Creek. Beasley obtained a county permit for the streambed work but said he did not know he also needed to obtain a federal permit.

At the request of county commissioners, Agather and Beasley agreed to try to work out their differences and return with some changes to the plat. A potential sticking point is the

definition of "development."

Agather argued that the legal definition of development includes Beasley's placement of drain pipes and fill in the area.

"Any manmade activity in there requires a public hearing," he said. County planner Ken Peterson questioned that definition if taken to its logical extreme.

"Do you have to go through a public hearing to put in a picnic table?" he asked.

Beasley said he doesn't believe "development" should include the drain pipes and fill. He said the county commissioners who approved the plat in 1996 meant development only in the sense of subdividing the parcel into lots where homes could be built.

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